

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

BLACKBAUD, INC., et al.,

Defendants.

Civil Action No. 24-03993-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

WHITEPAGES, INC., et al.,

Defendants.

Civil Action No. 24-03998-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

HIYA, INC., et al.,

Defendants.

Civil Action No. 24-04000-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

ACXIOM, LLC, et al.,

Defendants.

Civil Action No. 24-04017-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

COMMERCIAL REAL ESTATE
EXCHANGE, INC., et al.,

Defendants.

Civil Action No. 24-04073-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

CARCO GROUP INC., et al.,

Defendants.

Civil Action No. 24-04077-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

ENFORMION, et al.,

Defendants.

Civil Action No. 24-04110-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

RED VIOLET, INC., et al.,

Defendants.

Civil Action No. 24-04113-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

REMINE, INC., et al.,

Defendants.

Civil Action No. 24-04182-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

CORELOGIC, INC., et al.,

Defendants.

Civil Action No. 24-04230-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

THOMSON REUTERS
CORPORATION, et al.,

Defendants.

Civil Action No. 24-04269-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

WILAND, INC., et al.,

Defendants.

Civil Action No. 24-04442-HB

ATLAS DATA PRIVACY
CORPORATION, et al.,

Plaintiffs,

v.

ATDATA, LLC, et al.,

Defendants.

Civil Action No. 24-04447-HB

CONSENT ORDER DIRECTING THE CLERK OF COURT TO CONTINUE TO TEMPORARILY SEAL CERTAIN MATERIALS PURSUANT TO LOCAL RULE 5.3; TO PERMANENTLY STRIKE CERTAIN MATERIAL; AND TO UNSEAL SELECT PORTIONS OF THE FILINGS RELATED TO THE PLAINTIFFS' CONSOLIDATED MOTION TO REMAND

This matter having been brought before the Court upon the joint application of PEM Law LLP, attorneys for Plaintiffs; Troutman Pepper Hamilton Sanders LLP, attorneys for the defendants Carco Group, Inc., Intellicorp Records, Inc., Acxiom LLC, AtData LLC, Enformion, LLC, Enformion Holdco, Inc., Red Violet Inc., Remine Inc., and CoreLogic, Inc.; Carlton Fields, attorneys for defendant Blackbaud, Inc.; Dentons US LLP, attorneys for Commercial Real Estate Exchange, Inc. and Wiland, Inc.; Vedder Price P.C., attorneys for defendants Whitepages, Inc. and Hiya, Inc.; and Ballard Spahr LLP, attorneys for the Thomson Reuters Defendants, in connection solely with their supplemental filings, for an Order continuing to temporarily seal, permanently strike, and permanently unseal certain materials described herein (the "Materials"), which were filed under seal in connection with Plaintiffs' Consolidated Motion to Remand;

WHEREAS, Troutman Pepper Hamilton Sanders LLP filed a Consolidated Brief in Opposition to the Motion to Remand and the supporting Declaration of Angelo A. Stio III, Esq. with exhibits on behalf of the defendants subject to the Consolidated Motion for Remand; and Ballard Spahr LLP filed a Supplemental Brief in Opposition to Plaintiffs' Consolidated Motion to Remand and certain supporting exhibits;

WHEREAS, Defendants filed certain portions of their opposition papers under seal in response to Plaintiffs' designation of the documents as confidential in connection with the subject matter jurisdictional discovery produced in this matter;

WHEREAS, no protective order has been entered in the above-captioned matters;

WHEREAS, the parties have met and conferred in accordance with Local Rule 5.3(c) regarding the filing of a motion to seal;

WHEREAS, the parties agree that, due to the procedural posture of these cases and the absence of a protective order, it is premature to file a motion to permanently seal the documents; however, to preserve the rights of all parties concerning confidential information, the parties involved in the briefing on the Consolidated Motion to Remand have agreed to jointly seek the unsealing of certain materials, the striking of certain materials, and the Court's approval to continue to temporarily seal the Materials until the entry of a protective order in these cases, at which time the parties will meet and confer further;

WHEREAS, the Court has preliminarily found that the standards of Local Civil Rule 5.3(c)(3) are satisfied to warrant the continued temporary sealing of certain Materials, subject to the parties' agreement on a reservation of rights enabling Defendants to seek to unseal any of the Materials that are subject of this Consent Order in the future, in accordance with the terms of a protective order entered by this Court;

WHEREAS, Plaintiffs have agreed to withdraw specific limited confidentiality designations, and the parties have agreed to file amended versions of certain redacted filings and to unseal certain exhibits previously filed under seal;

AND NOW, the Court, having considered the application, with the consent of the parties, and for good cause shown;

IT IS this ____ day of _____ 2024, hereby:

ORDERED that, in the interests of judicial economy, an Order is entered to continue the temporary sealing of the following Materials, and the Clerk of Court is directed to maintain the following Materials **under seal** until further order of this Court:

1. **Unredacted Version of Defendants’ Consolidated Brief in Opposition to Plaintiffs’ Consolidated Motion for Remand** (filed under seal as ECF No. 55 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);¹

2. **Unredacted Version of Exhibit 1 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand**, which are excerpts of the Fed. R. Civ. P. 30(b)(6) deposition of Matthew Adkisson (filed under seal as ECF No. 55-1 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

3. **Exhibit 4 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand, Atlas Privacy Order Form with N.J. State P.B.A., Inc.** (filed under seal as ECF No. 55-2 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

4. **Exhibit 5 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand, Atlas Privacy Order Form with State Troopers Fraternal Association** (filed under seal as ECF No. 55-3 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

¹ The same version of the Defendants’ Consolidated Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand and the corresponding Certification of Angelo A. Stio III, Esq. with exhibits were filed in multiple matters. A list of the matters and corresponding ECF document numbers is attached hereto as **Exhibit 1** and shall be treated in the same manner as set forth in this Consent Order.

5. **Exhibit 6 to the Declaration of Angelo A. Stio III in Support of Defendants' Brief in Opposition to Plaintiffs' Consolidated Motion to Remand, Atlas Privacy Order Form with New Jersey State Benevolent Association Local 105** (filed under seal as ECF No. 55-4 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

6. **Exhibit 13 to the Declaration of Angelo A. Stio III in Support of Defendants' Brief in Opposition to Plaintiffs' Consolidated Motion to Remand, Covered Persons List with Dates of Assignment** (filed under seal as ECF No. 55-8 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB); and it is further

ORDERED that, in the interests of judicial economy, the Clerk of Court is directed to **strike** these additional Materials from the docket:

1. **Original Redacted Version of Exhibit 1 to the Declaration of Angelo A. Stio III in Support of Defendants' Brief in Opposition to Plaintiffs' Consolidated Motion to Remand, which are excerpts of the Fed. R. Civ. P. 30(b)(6) deposition of Matthew Adkisson** (originally ECF No. 54-1 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB and subsequently temporarily sealed by the Clerk); and

2. **Unredacted version of Exhibit 1 to the Supplemental Brief of the Thomson Reuters Defendants in Opposition to Plaintiffs' Consolidated Motion to Remand** (filed under seal as ECF No. 37-1 in *Atlas Data Privacy, et al. v. Thomson Reuters Corporation*, Civil Action No. 24-04269); and it is further

ORDERED, in light of Plaintiffs’ withdrawal of specific limited confidentiality designations and the parties’ agreement to unseal certain Materials, the Clerk is directed to **unseal** the following:

1. **Exhibit 9 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand, Atlas Service Terms, Last Updated November 18, 2022** (filed under seal as ECF No. 55-5 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

2. **Exhibit 10 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand, Atlas’ Daniel’s Law Service Terms, Last Updated: January 23, 2023** (filed under seal as ECF No. 55-6 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

3. **Exhibit 11 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand, Atlas’ Daniel’s Law Service Terms, Last Updated: August 6, 2023** (filed under seal as ECF No. 55-7 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

4. **Exhibit 14 to the Declaration of Angelo A. Stio III in Support of Defendants’ Brief in Opposition to Plaintiffs’ Consolidated Motion to Remand, Assignment Confirmation “template”** (filed under seal as ECF No. 55-9 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

5. **Defendants’ Supplemental Brief in Opposition to Plaintiffs’ Consolidated Motion for Remand** (filed under seal as ECF No. 59 in *Atlas Data Privacy, et al. v. Blackbaud, Inc. et al.*, Civil Action No. 24-03993);

6. **Exhibit 1 to the Declaration of Sarah F. Hutchins, Excerpts of Deposition Transcript of Matthew Adkisson** (filed under seal as ECF No. 59-1 in *Atlas Data Privacy, et al. v. Blackbaud, Inc. et al.*, Civil Action No. 24-03993);

7. **Supplemental Brief of the Thomson Reuters Defendants in Opposition to Plaintiffs’ Consolidated Motion to Remand** (filed under seal as ECF No. 37 in *Atlas Data Privacy, et al. v. Thomson Reuters Corporation*, Civil Action No. 24-4269); it is further

ORDERED that, in light of Plaintiffs’ withdrawal of certain other limited confidentiality designations, Defendants shall, within seven (7) days from the entry of this Consent Order, file revised redacted versions of the following documents which were previously filed with redactions, and which shall remain redacted on the public docket until further order of this Court:

1. **Defendants’ Consolidated Brief in Opposition to Plaintiffs’ Consolidated Motion for Remand** (original redacted version filed as ECF No. 53 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB);

2. **Exhibit 1 to the Declaration of Angelo A. Stio** (amended redacted version filed as ECF No. 73 in *Atlas Data Privacy, et al. v. Carco Group, Inc., et al.*, Civil Action No. 24-04077-HB); and

3. **Exhibit 1 to Supplemental Brief of the Thomson Reuters Defendants in Opposition to Plaintiffs’ Consolidated Motion to Remand**, with only material that is

irrelevant to the Supplemental Opposition remaining redacted (original redacted version filed as ECF No. 38-1, and original sealed version filed as ECF No. 37-1, in *Atlas Data Privacy, et al. v. Thomson Reuters Corporation*, Civil Action No. 24-04269); it is further

ORDERED that following the parties' submission of an appropriate Protective Order, the Defendants shall have the right to seek to unseal any or all portions of the Materials that continue to be temporarily sealed pursuant to this Consent Order, in accordance with the procedures for challenging a confidentiality designation outlined in any Protective Order that is entered by the Court; it is further

ORDERED that the Court will issue findings of fact and conclusions of law following any application by Plaintiffs to permanently seal any Materials described herein after the entry of a Protective Order.

HON. HARVEY BARTLE III, U.S.D.J.

We hereby Consent to the form and Entry of this Order on this 12th day of November 2024:

BY: **PEM LAW LLP**

/s/ Rajiv D. Parikh

Rajiv D. Parikh
Kathleen Barnett Einhorn
One Boland Drive, Suite 101
West Orange, New Jersey 07052
Tel: (973) 577-5500
rparikh@pemplawfirm.com
keinhorn@pemplawfirm.com

Attorneys for Plaintiffs

BY: **TROUTMAN PEPPER
HAMILTON SANDERS LLP**

/s/ Stephanie L. Jonaitis

Angelo A. Stio III
Melissa A. Chuderewicz
Stephanie L. Jonaitis
301 Carnegie Center, Suite 400
Princeton, NJ 08540-6227
Telephone: (609) 951-4125
Email: Angelo.Stio@troutman.com
Melissa.Chuderewicz@troutman.com
Stephanie.Jonaitis@troutman.com

*Attorneys for defendants Acxiom LLC,
AtData LLC, Carco Group Inc., CoreLogic,
Inc., Enformion, LLC, Enformion Holdco
Inc., Intellicorp Records, Inc., Red Violet,
Inc., and Remine Inc.*

BY: **CARLTON FIELDS**

/s/ Michael T. Hensley

Michael T. Hensley
Jorkeell Echeverria
180 Park Avenue, Suite 106
Florham Park, New Jersey 07932
Tel: 973.828.2613
Fax: 212.430.5501
MHensley@carltonfields.com
JEcheverria@carltonfields.com

**PARKER POE ADAMS & BERNSTEIN
LLP**

Sarah F. Hutchins (*pro hac vice*)
Corri A. Hopkins (*pro hac vice*)
620 South Tryon Street, Suite 800
Charlotte, North Carolina 28202
Tel: 704.335.6639
sarahhutchins@parkerpoe.com
corrihopkins@parkerpoe.com

Attorneys for defendant Blackbaud, Inc.

BY: **BALLARD SPAHR LLP**

/s/ Michael Berry
Marcel S. Pratt
Michael Berry
Jordan Meyer
1735 Market Street, Fl. 51
Philadelphia, PA 19103-7599
215.864.8500
prattm@ballardspahr.com
berry@ballardspahr.com
meyerjl@ballardspahr.com

Attorneys for defendants Thomson Reuters Corporation, Thomson Reuters Holdings Inc., Thomson Reuters Canada Limited, and Thomson Reuters Applications Inc.

BY: **DENTONS US LLP**

/s/ Stephen M. Turner
Stephen M. Turner, Esq.
DENTONS US LLP
101 JFK Parkway, 4th Floor
Short Hills, NJ 07078
Telephone: (973) 912-7146
Email: stephen.turner@dentons.com
Bety Javidzad, Esq. (pro hac vice)

601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017
Telephone: (213) 243-6115
Email: bety.javidzad@dentons.com

Attorneys for defendants Commercial Real Estate Exchange, Inc. and Wiland, Inc.

VEDDER PRICE P.C.

/s/ Jean A. Occhiogrosso

Blaine C. Kimrey (pro hac vice)

bkimrey@vedderprice.com

Bryan K. Clark (pro hac vice)

bclark@vedderprice.com

222 N. LaSalle Street

Chicago, IL 60601

T: +1 312 609 7500

Jean A. Occhiogrosso

jocchiogrosso@vedderprice.com

Vedder Price P.C.

1633 Broadway, 31st Floor

New York, New York 10019

T: +1 212 407 7700

F: +1 212 407 7799

*Attorneys for defendants Whitepages, Inc.
and Hiya, Inc.*